

**AGENDA  
SUTTONS BAY TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING**

**201 N St Marys Street, Suttons Bay  
Tuesday, October 5, 2021**

6:00 PM

MEETING WILL BE HELD AT SUTTONS BAY BINGHAM FIRE AND RESCUE 201 N. ST MARYS STREET MEETING ROOM AS WELL AS BY Electronic remote access, in accordance with Public Act 228 of 2020 and Resolution 10 of 2021 Declaration of Local State of Emergency. The public may participate in the meeting through Zoom access by computer and smart phone using the following link: Join Zoom Meeting <https://us02web.zoom.us/j/87485766001?pwd=YTdJUUYWU50RIUwVjQ3ZXFNVRTQT09>

Meeting ID: 874 8576 6001

Passcode: 672238

**Approval of Agenda**

**Public Comment**

**Conflict of Interest**

**Approval of Minutes:** September 7, 2021

**Items of Discussion/Consideration:**

1. Zoning Ordinance Overhaul Project/Mathew Cooke
  - A. Special Events Language
  - B. ZOO Project Schedule

**Reports:**

Zoning Administrator  
Planner:  
Township Board:  
Chair Comments:

Steve Patmore  
Mathew Cooke, Networks Northwest  
Tom Nixon  
Dennis Rathnaw

**Commissioners' Comments**

**Public Comment**

**Next Meeting Agenda November 2, 2021**

**Adjournment (8:00 PM unless extended by a motion.)**

**Commission Packets can be viewed at: <https://www.leelanau.gov/suttonsbaytwppln.asp>**

*This meeting is a session of the Suttons Bay Township Planning Commission held in public for the purpose of conducting the Commission's business and is not to be considered a public community meeting. There is time set aside for public comment during the meeting as noted on the Agenda, and the Planning Commission welcomes the public's input at that time.*

## **DRAFT MINUTES**

### **SUTTONS BAY TOWNSHIP PLANNING COMMISSION**

#### **MINUTES OF SEPTEMBER 7, 2021**

##### **CALL TO ORDER**

Dennis Rathnaw, Chair, called the Suttons Bay Township Planning Commission to order on Tuesday, September 7, 2021, at 6:00 p.m. at the Suttons Bay -Bingham Fire Hall, 201 N. St. Marys Street, Suttons Bay Township, Michigan. The meeting was held in person with zoom attendees.

##### **ROLL CALL - Quorum Present**

Present at the Fire Hall: Dennis Rathnaw, Susan Odom, Andy Brandt, Rhoda Johnson, Tom Nixon, Doug Periard, Dee McClue. Amy Coleman attended via remote access,

Absent: Don Gregory

Staff Present: Steve Patmore, Mathew Cooke

Rob Carson-via remote access.

**Approval of the Agenda** - Consensus to approve the agenda as submitted.

**Conflict of Interest:** None

**Public Comment** - John Zachman, stated he is a maple syrup farmer.

**Approval of Minutes** - Consensus to approve the Minutes of August 3, 2021 as presented.

##### **Items of Discussion**

##### **1. Zoning Ordinance Overhaul Project -**

###### **A. Special Event Language**

Chair Rathnaw began the conversation regarding Special Event language-

Comments:

- Modify special events and put burden of proof on applicant. Consider temporary use permits for special events see how the right to farm act defines a commercial farm.
- Agri-tourism - question to PC, what is the end goal with amendments going forward.
- What do we want to accomplish with special events?
- See special events as part of farming, making a livelihood, for the existing farmer.

- Keep the farm going, mitigate special events, co-exist as farmers, keep the area as it is.
- Southwell Farm - 15 people having issue with it, not following the zoning ordinance. How is it measurable? Residents have a right to enjoy their property as well. The planning commission got bogged down in debates with that property. Would like to see language in zoning ordinance clearly defined regarding noise.
- Special events - can clear language be provided for special events. Noise is of concern, time limits, size of event.
- Rob Carson - can tailor a condition to a site. Right to Farm Act very stringent regulation which outlines ag use, be sure commercial farm definition does not violate Right to Farm Act. Need to speak to experts on Right to Farm Act.
- Utilize a temporary special use permit process - set number of events in a calendar year. Obtain legal opinion on temporary special use permits.
- Find a way to allow beautiful old structures on the land.
- Place design guidelines, need examples, pose to experts.
- Seek information from Mary Riley who is the expert on Right to Farm Act and form-based zoning design standards.
- Consider Special Event On-Site Manager

## **B. Land Use Map**

- Specific issue - land not being used for ag
- Explain use of accessory buildings

## **Reports-**

**ZA** - See report submitted

**Planner** -None.

**Township Board.** - Working on parks.

**Chair Comments** - None

**Public Comment** - John Zachman, comments on barns.

**Next meeting agenda - October 5, 2021**

**Adjournment** - Meeting adjourned at 7:58 p.m.

Minutes by Marge Johnson, Recording Secretary

Amy Coleman, Planning Commission Secretary

October 5, 2021

To: Suttons Bay Township Planning Commission

Fr: Mathew Cooke, Community Planner

Re: Zoning Ordinance Overhaul – Special Events

## **Special Events**

I met with Mary Reilly from MSU Extension to give her some background of the Special Events section of the Zoning Ordinance Overhaul project. In particular there were a few things that Mary said that we may be able to utilize but I would like to hear member discussion on them. On the second page, you can find my notes.

Firstly, Mary cautioned using temporary permits especially in terms of Zoning Administrator and necessary Boards or Commissions time availability, she also mentioned a probation period could be done but recommended to utilize legal assistance to craft, and finally she said that she would not use how a property was assessed as a property could be assessed Agriculture while not being zoned Agriculture.

Second, Mary and I discussed that the Township can make it a requirement that X amount of acres must have active agriculture happening. This would seem to assist in crafting our language to benefit existing farms. The potential discussion lies in determining the amounts of acres needing to be active.

Another item that Mary and I discussed is that wedding events are not considered incidental to the farm and can therefore be restricted through zoning. Mary sent me the court cases that support this and I can pass that on to anyone interested.

Lastly, Mary believed it would be hard to uphold a monetary figure as defining a commercial farm as the Township would not be the one to make that determination. Mary noted that the owner would be the one to prove they are a commercial activity. Mary mentioned talking to Emmet County about this which I will be trying to get in contact with their planner Tammy Doernenburg prior to the meeting but I have also included

## **Commercial Farm Threshold Definitions**

### ***Suttons Bay Township Current/ZOO***

**Commercial Farm:** a farm which had produced agricultural or horticultural products worth \$2,500 or more annually for at least three of the past five years.

### ***Emmet County***

**Farm, commercial:** Includes the land, plants, animals, buildings, structures, including ponds used for agriculture or aquicultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products. It is a farm operation producing a farm product intending to be marketed and sold at a profit.



## 9/10/2021 RTF-Suttons Bay MSU Mary Notes

- Mary pulled several ordinances for different communities
- Temp permit caution is how much capacity ZA and Board have to manage that.
- Probation Period
  - Typically not done but has dealt with mud bog facility but got too big
  - Did a conditional approval but was very clear about reasons (had to do with roads, noise, etc. a lot of unknowns because of the use)
  - Can be done, but would advise utilizing legal assistance
- Vested interest with potential to take it away
- Couldn't uphold monetary
  - The owner has to prove they are a commercial activity, not up to the township to determine.
- Mary said no to assessment, Ag is not zoning. Assessed as Ag and not in Ag zoning.
  - Could be zoned ag but assessed residential
- RTF Farm Market GAAMP
  - Incidental to the farm is the keyword for protection to the farm market GAAMP (Winery to the tasting room is incidental to the farm; food processing (making of product) is subject to zoning.
  - A wedding event is not incidental to the farm, totally subject to local zoning.
- Requirement of special land use to have x amount of acres of ag production
  - Look at increasing Acreage requirement
- The key message is they can regulate special events
- Mary was burned once by the low acre threshold
- We identified these issues (tie special events to agriculture; limit amplified music, Min. Acreage.)
- Nixon or Dixon v. Weber Township (Michigan)
  - Courts are clear

# ZONING ADMINISTRATOR'S REPORT

## SUTTONS BAY TOWNSHIP

September 2021 (to-date)

For October 2021 Planning Commission and Township Board Meetings

Prepared by Steve Patmore

As of September 27, 2021

### LAND USE PERMITS ISSUED

		NEW		ACCESSORY	
DATE	TOTAL	HOMES	ADDITIONS	STRUCTURES	OTHER
Sept. 2021 (to date)	4	1	0	3	0
Year To Date	36	14	8	13	1
Year to date 2020	32	9	5	17	1
Year to date 2019	26	14	7	5	0
Year to date 2018	33	17	6	10	0
Year to date 2017	29	8	4	14	3
Year to date 2016	24	6	8	8	2
Year to date 2015	20	10	4	5	1
Year to date 2014	11	1	3	7	0

1575 S. Lake Leelanau Dr. – detached garage  
10630 E. Ora Lee Lane – New Single Family Dwelling  
11550 E. Chimoski View – Accessory Building  
8996 E. Duck Lake Rd – Agricultural Buildings

Revisions to existing Land Use Permit

### Land Divisions:

- Land Division Application formally approved for one new parcels on Richter Rd.
- Land Division Application approved for one new parcel on Macksey Rd.
- Several questions about splitting of land – preliminary reviews.

### Zoning Board of Appeals:

- Application pending for Appeal of Site Plan Review – legal review.

### Short Term Rentals:

- 34 Short-Term Rental Permits issued for 2021 (28 Renewal Permits– 6 New Permits).

### Other:

- Inquiries about guest houses.
- Inquiry about campground and farm-stay campsites.
- General inquiries about multi-family housing.
- Many general questions on properties and real estate sales.